

DAVID R. SIDRAN (SBN 121063)  
TRAVIS B. RAYMOND (SBN 268543)  
TOSCHI, SIDRAN, COLLINS & DOYLE  
100 Webster Street, Suite 300  
Oakland, CA 94607  
Tel: (510) 835-3400  
Fax: (510) 835-7800  
traymond@toschisidran.com

Attorneys for Plaintiff,  
UNITED ROAD TOWING, INC.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED ROAD TOWING, INC.,

Plaintiff,

v.

YRC, INC., YRC LOGISTICS SERVICES,  
INC., and DOES 1 to 10,

Defendants.

Case No.: 10 CV 1038 DMS RBB

**FIRST AMENDED COMPLAINT FOR  
DAMAGES ARISING UNDER THE  
CARMACK AMENDMENT 49 U.S.C. §  
14706**

Complaint Filed: December 20, 2007

Plaintiff alleges:

1. That Defendants are carriers providing transportation or service subject to jurisdiction under subchapter I or III of chapter 135 (49 USCS §§ 13501).
2. That Plaintiff contracted with Defendants to ship a copier machine across state lines to its subsidiary in San Diego, CA within 2 years of the filing of this civil action.
3. That upon delivery of the copy machine by Defendants, Plaintiff discovered that the machine had suffered severe shipping damage while in the possession of Defendants, their agents or employees or assigns, Does 1-10.
4. That Plaintiff is informed and believes, and upon such information and belief alleges that such shipping damage to its copy machine was caused by the conduct of Defendants, and each of them.

1        5.        That under the terms of the bill of lading, Defendants are liable for the damages caused  
2                to Plaintiff's copy machine.

3        6.        That the actual loss or injury to the copy machine exceeds \$10,000.00.

4        Wherefore, Plaintiff prays for:

- 5        1.        Actual damages to the copier in an amount exceeding \$10,000.00;  
6        2.        Foreseeable lost profits, incidental expenses, consequential expenses, and prejudgment  
7                interest in an amount to be proven at trial;  
8        3.        Refund of any shipping fees; and  
9        4.        Any and all relief this court deems just and lawful.

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11       DATED: June 4, 2010

TOSCHI • SIDRAN • COLLINS • DOYLE

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13       By: 

14       DAVID R. SIDRAN  
15       TRAVIS B. RAYMOND  
16       Attorneys for Plaintiff,  
17       UNITED ROAD TOWING, INC.  
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**PROOF OF SERVICE**

United Road Towing, Inc. v. YRC Inc., et al.

United States District Court Case No.: 10 CV 1038 DMS RBB

I, the undersigned, am employed in the County of Alameda, State of California. I am over the age of 18 and not a party to the within action; my business address is Toschi, Sidran, Collins & Doyle, 100 Webster Street, Suite 300, Oakland, CA 94607.

On June 4, 2010, I served the foregoing document, described as:

**FIRST AMENDED COMPLAINT FOR DAMAGES ARISING UNDER THE  
CARMACK AMENDMENT 49 U.S.C. SECTION 14706**

(X) **BY ELECTRONIC (E-MAIL) SERVICE:** By electronically mailing an Adobe.pdf version through the Toschi, Sidran, Collins & Doyle's electronic mail system to the e-mail address set forth below.

**Attorney for Defendant**

**YRC Inc. and YRC Logistics Services**

Kathleen C. Jeffries, Esq.  
Scopelitis, Garvin, Light, Hanson & Feary, LLP  
2 North Lake Avenue, Suite 460  
Pasadena, CA 91101  
T: 626.795.4700  
F: 626.795.4790  
kjeffries@scopelitis.com

I declare under penalty of perjury of the laws of the State of California that the foregoing is true and correct.

Executed on June 4, 2010, at Oakland, California.



Diana Rome